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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re application of :

Andrea Steinmeyer et al. :

Group Art Unit: 1616

Serial No.: 09/509,934 :

Examiner: S. Qazi

Filed: May 3, 2000 :

For: NEW VITAMIN D DERIVATIVES WITH CYCLOPROPYL RINGS IN THE SIDE CHAINS, PROCESS AND INTERMEDIATE PRODUCTS FOR THEIR PRODUCTION AND THEIR USE FOR THE PRODUCTION OF PHARMACEUTICAL AGENTS

#15 N.E.
HKO
5-29-02

REPLY UNDER 37 CFR §1.116

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Final Rejection presented in the Office Action of January 18, 2002, applicants' respectfully request reconsideration of the obviousness-type double patenting and §103 rejections.

REMARKS

Obviousness-Type Double Patenting Rejection

Claims 1-3, 5, 6, 8-11, and 14-30 are rejected on grounds of obviousness-type double patenting in view of claims 1-15 of Steinmeyer et al. (US 5,585,368) and claims 1-9 of Steinmeyer et al. (US 5,700,791). US '791 is a Divisional of US '368. This rejection is again respectfully traversed.

In the Office Action of January 18, 2002, the Examiner responded to applicants' prior arguments concerning the double-patenting and §103 rejections as follows:

Applicant argues that prior art teaches the cyclopropyl group at 24 position whereas instant claims are claiming at 25-position. Examiner respectfully disagree because instant invention is claiming Q which can be alkyl which can